



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 06275-99
8 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: L [REDACTED], NC, USNR [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 2 Oct 99 w/attachments
(2) PERS-911 memo dtd 19 Nov 99
(3) PERS-86 memo dtd 9 Dec 99
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the date of acceptance on his Naval Reserve Officer Appointment Acceptance and Oath of Office (A&O) as 1 October 1998 vice 23 September 1999 and that his pay entry base date (PEBD) be changed accordingly to 23 July 1981. He further requested that he be promoted to lieutenant commander on the basis of his selection while on active duty in the Regular Marine Corps.

2. The Board, consisting of Ms. Harbower and LeBlanc and Mr. Kastner, reviewed Petitioner's allegations of error and injustice on 21 January 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing the acceptance date on his A&O from 23 September 1999 to 1 October 1998 and state that after the acceptance date is changed, they will issue a corrected statement of service to reflect no break in service.

c. In correspondence attached as enclosure (3), the NPC office with cognizance over Naval Reserve officer promotions has commented to the effect that Petitioner's request for promotion has merit and warrants favorable action. They recommend that he be appointed a lieutenant commander with a date of rank (and by implication, effective date) of 1 July 1999.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show his original appointment as a lieutenant, Nurse Corps, United States Naval Reserve was accepted on 1 October 1998, vice 23 September 1999; and that his PEBD and anniversary date be changed accordingly.

b. That his record be corrected further to show that he was promoted to lieutenant commander, Nurse Corps, United States Naval Reserve with a date of rank and effective date of 1 July 1999; and that his lineal precedence be adjusted accordingly.


c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director

6275-99



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
Pers-911
19 Nov 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED] USNR, [REDACTED]

Encl: (1) BCNR memo 5420 Pers-00ZCB of 17 Nov 99

1. Enclosure (1) is forwarded with the following comments and recommendations concerning [REDACTED] case.
2. Based on the information in [REDACTED] petition, we agree that there was an administrative oversight in the issuing of his Oath of Office. [REDACTED] separation orders direct the separating activity to deliver [REDACTED] appointment in the Naval Reserve. The separating activity should have ensured that this action was completed.
3. [REDACTED] Oath of Office is currently on file in his permanent record at Navy Personnel Command. We recommend that the date of acceptance on the Oath of Office be changed from 23 September 1999 to 1 October 1998. We will issue a corrected statement of service to reflect no break in service after the date of acceptance is changed. We also recommend that this case be referred to the Reserve Officer Promotions Branch (PERS-86) for comment on reinstating [REDACTED] promotion to LCDR.
4. Point of contact in this matter is Ms. [REDACTED] at DSN [REDACTED] commercial [REDACTED]

[REDACTED]
Director, Naval Reserve Personnel
Administration Division



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1420
PERS-86
9 DEC 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
[REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 06275-99 w/Service record.

1. We are returning enclosure (1) with the following observations and recommendation that relief be granted.
2. LT [REDACTED] was properly considered and selected by the FY-99 Active Duty Nurse Corps Promotion Selection Board. Before he was promoted his resignation took effect, and his re-appointment in the Naval Reserve was administratively delayed through no fault of his own. If the re-appointment had occurred in a timely fashion [REDACTED] would have been promoted to Lieutenant Commander with a date of rank of 01 July 1999. We recommend approval of his request and that he be appointed a Lieutenant Commander with the date of rank he would have received if the break in service had not occurred.

[REDACTED]
Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division